Registered No. N. 98

The Jaipur Gazette

Extraordinary

Published by Authority

Vol. LXII | 6th JANUARY, 1944 | No. 5351

NOTIFICATION.

Order No. 232/J. D., dated Jaipur, the 25th October, 1943.

Ordered that the accompanying Employment of Children Act, which received the assent of His Highness the Maharaja Sahib Bahadur on the 21st day of October, 1943, be published as the Employment of Children Act (LII of 1943) in the Jaipur Gazette for general information.

MIRZA M. RAFI,
Law Secretary and Legal Adviser to the Government of Jaipur.

GOVERNMENT PRESS, JAIPUR

THE JAIPUR EMPLOYMENT OF CHILDREN ACT, 1943.

ACT No. LII OF 1943.

(Received the assent of His Highness the Maharaja Sahib Bahadur on the 21st day of October, 1943.)

An act to regulate the admission of children to certain industrial employments.

WHEREAS it is expedient to regulate the admission of children to certain industrial employments; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Employment of Children Act, 1943.

(*2*) It extends to the whole of the Jaipur State except the Sambhar Shamlat Area.

Commencement.

(*3*) It shall come into force at once.

Definitions.

2. In this Act.

(*a*) Omitted.

(*b*) "occupier" of a workshop means the person who has ultimate control over the affairs of the workshop;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "workshop" means any premises including the precincts thereof wherein any industrial process is carried on, but does not include any premises to which the provisions of section 50 of the Jaipur Factories Act, 1943, for the time being apply.

Prohibition of employment of children in certain occupations.

3. (*1*) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway.

(2) Omitted.

(3) No child who has not completed his twelfth year shall be employed or permitted to work, in any workshop wherein any of the processes set forth in the Schedule is carried on :

Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from the Government.

Power to amend the Schedule.

3A. The Government, after giving by notification in the Jaipur Gazette not less than one month's notice of its intention so to do, may, by like notification, add any description of process to the Schedule, and thereupon the Schedule shall have force in the Jaipur State as if it has been enacted accordingly.

Notice to Inspector before carrying on work in certain processes.

3B. Before work in any of the processes set-forth in the Schedule is carried on in any workshop after the first day of January, 1944, the occupier shall send to the inspector within whose local limits the workshop is situated, a written notice containing—

(a) the name and situation of the workshop,

(b) the name of the person in actual management of the workshop,

(c) the address to which communications relating to the workshop should be sent, and

(d) the nature of the processes to be carried on in the workshop.

Disputes as to age.

3C. If any question arises between an inspector and an employer as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be, the question shall, in the absence of a certificate as to the age of such child, granted by prescribed medical authority be referred by the inspector for decision to the prescribed medical authority.

Penalty.

4. Whoever employs any child or permits any child to work in contravention of the provisions of section 3 or fails to give notice as required by section 3B shall be punishable with fine which may extend to five hundred rupees.

Procedure relating to offences.

5. (*1*) No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector appointed under section 6.

(*2*) Every certificate as to the age of the child which has been granted by a prescribed medical authority shall, for the purposes of this Act be conclusive evidence as to the age of it to whom it relates.

(*3*) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

Appointment of Inspectors.

6. The Government may appoint persons to be inspectors for the purpose of securing compliance with the provisions of this Act, and any inspector so appointed shall be deemed to be a public servant within the meaning of the Jaipur Penal Code.

Power to make rules.

7. (1) The Government may by notification in the Jaipur Gazette and subject to the condition of previous publication make rules for carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the procedure of inspectors appointed under section 6, and

(*b*) make provision for the grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificates, the form of such certificate, the charges which may be made therefor, and the manner in which such certificates may be issued :

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

THE SCHEDULE.

(*See sections 3, 3A and 3B*).

List of Processes

1. Bidi-making.
2. Carpet-weaving.

3. Cement manufacture including bagging of cement.
4. Cloth-printing, dyeing and weaving.
5. Manufacture of matches, explosives and fireworks.
6. Mica-cutting and splitting.
7. Shellac manufacture.
8. Soap manufacture.
9. Tanning.
10. Wool cleaning.

MIRZA M. ISMAIL,
Prime Minister.